

New York Office  
40 Rector Street, 5th Floor  
New York, NY 10006-1738

T 212.965.2200  
F 212.226.7592

[www.naacpldf.org](http://www.naacpldf.org)



Washington, D.C. Office  
1444 Eye Street, NW, 10th Floor  
Washington, D.C. 20005

T 202.682.1300  
F 202.682.1312

March 22, 2018

## Via First Class and Electronic Mail

Ron Daniels  
Office of the President  
The Johns Hopkins University  
3400 N. Charles St., 242 Garland Hall  
Baltimore, Maryland 21218

Dear President Daniels:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (“LDF”), I write to raise concerns about the request of Johns Hopkins University for its own campus police force and the proposed legislation that would authorize such a police force for private institutions of higher education in the City of Baltimore.<sup>1</sup> While we share your commitment to student safety, establishing a new, private police force may exacerbate already strained relations between residents of Baltimore city and law enforcement.

We are deeply concerned that the proposed bills pending before the legislature lacks critical accountability measures, such as data collection and reporting of the practices of the proposed private police force. We also believe that the provision in the legislation that would allow private police forces to patrol city streets under an agreement with the Mayor or Police Commissioner of Baltimore City is ill-advised. For these reasons and those described below, we oppose Senate Bill 1241 and House Bill 1803. However, should Johns Hopkins University receive authorization to establish its own police force, we would insist in the strongest terms that any law enforcement agency that is granted authority to patrol city streets should agree to be bound by the federal consent decree issued in *United States v. Police Department of Baltimore City*,<sup>2</sup> which requires compliance with certain policies, training, and disciplinary measures to ensure lawful and accountable policing practices.

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education, economic justice, political participation, and criminal justice. Throughout its history, LDF has consistently worked to promote unbiased and responsible policing policies and practices at the national, state, and local levels. For the past three years, we have partnered with local advocates,

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<sup>1</sup> See Maryland General Assembly, SB 1241, <http://mgaleg.maryland.gov/2018RS/bills/sb/sb1241f.pdf> and HB 1803, <http://mgaleg.maryland.gov/2018RS/bills/hb/hb1803f.pdf>.

<sup>2</sup> See Consent Decree, *U.S. v. Police Dep’t of Baltimore City*, 17-cv-00099-JKB (D. Md. Jan. 17, 2017), [http://www.mdd.uscourts.gov/sites/mdd/files/ConsentDecree\\_0.pdf](http://www.mdd.uscourts.gov/sites/mdd/files/ConsentDecree_0.pdf).



activists, and attorneys to reform unlawful policing practices in Baltimore City, such as joining the community call for a federal investigation of the police department<sup>3</sup> and advocating for fair provisions in the police union contract.<sup>4</sup> We have also urged city officials to reconsider its Memorandum of Understanding with the Baltimore School Police Force, which allows school police to patrol city streets with little to no oversight.<sup>5</sup>

Senate Bill 1241/House Bill 1803 would authorize private institutions like Johns Hopkins University to establish a campus police force based on a memorandum of understanding with either the Mayor or the Police Commissioner of Baltimore City. Campus police would have all the powers granted to a Baltimore Police Department officer. Despite having the powers of a city police officer, private campus police officers across the country often lack the transparency and public accountability of those in a municipal police department. Private campus police, for instance, reportedly have asserted that they are not subject to open records laws,<sup>6</sup> and, when there have been incidents of police misconduct, have claimed that they are not state actors for the purpose of seeking federal remedies.<sup>7</sup> Further, campus police at schools in various parts of the country have been accused of racial profiling and have struggled with exacerbating racial tensions between their campuses and the surrounding communities.<sup>8</sup> Sadly, campus police have also been accused of using excessive force in incidents around the country.

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<sup>3</sup> See Letter from Rev. Dr. S. Todd Yearly, Maryland State Conference of NAACP, and Sherrilyn Ifill, LDF, to President Barack Obama, May 6, 2015, <http://www.naacpldf.org/document/clergy-letter-president-obama-regarding-death-freddie-gray>.

<sup>4</sup> See Letter from Campaign for Justice, Safety and Jobs to Stephanie Rawlings-Blake, Mayor of Baltimore City and Kevin Davis, Police Commissioner, Baltimore City, July 20, 2016, <http://www.naacpldf.org/document/campaign-justice-safety-and-jobs-ltr-re-baltimore-fraternal-order-police>.

<sup>5</sup> See Letter from Monique Dixon, Deputy Director of Policy, LDF, to Vanita Gupta, Principal Deputy Assistant Attorney General, U.S. Dep't of Justice, Sept. 8, 2015, <http://www.naacpldf.org/document/ldf-letter-doj-requesting-expansion-fed-investigation-school-police>. See also, U.S. Dep't of Justice Civil Rights Div., *Investigation of the Baltimore City Police Department*, 154, Aug. 10, 2016, <https://www.justice.gov/opa/file/883366/download> (finding that Baltimore Police Department fails to appropriately coordinate its efforts with other agencies it has granted authority to exercise concurrent jurisdiction).

<sup>6</sup> Nathalie Baptiste, *Campus Cops: Authority Without Accountability*, AM. PROSPECT, Nov. 2, 2015, <http://prospect.org/article/campus-cops-authority-without-accountability>.

<sup>7</sup> Leigh J. Jahnig, *Under School Colors: Private University Police as State Actors Under § 1983*, 110 NW. U. L. REV. 249 (2015).

<sup>8</sup> See, e.g., Scott Jaschik, *Racial Profiling on Campus?*, INSIDE HIGHER ED, Jan. 26, 2015, <https://www.insidehighered.com/news/2015/01/26/incident-yale-sets-new-debate-racial-profiling> (“Black students and faculty members at many campuses charge that racial profiling is a fact of life for them....”); Peter Schmidt, *Tasked to Protect All on Campus, but Accused of Racial Bias*, N.Y. TIMES, Dec. 28, 2014, <https://www.nytimes.com/2014/12/29/us/tasked-to-protect-all-on-campus-but-accused-of-racial-bias.html> (discussing racial profiling incidents involving campus police at University of Pennsylvania, Vassar College, Wake Forest University, and the University of Minnesota); Lacey Lett, *Oklahoma City University Responds to Allegations of Racial Profiling by Campus Police*, KFOR.COM, Oct. 9, 2017, <http://kfor.com/2017/10/09/oklahoma-city-university-responds-to-allegations-of-racial-profiling-by-campus-police/>.



For example, in late July 2015, a grand jury indicted University of Cincinnati police officer Ray Tensing for fatally shooting Samuel Dubose during a traffic stop. The local prosecutor described the incident as “a senseless, asinine shooting.”<sup>9</sup> Video footage from the officer’s body-worn camera showed that Mr. Dubose did not pose a threat before the officer shot him. Following a lawsuit, the University of Cincinnati agreed to pay \$4.85 million to the Dubose family and to engage in police reform.<sup>10</sup>

The shooting of Mr. Dubose occurred in a city with a police department that had attempted to transform itself after a period of federal oversight for the excessive use of force by its officers. Despite this, the University of Cincinnati Police Department was not included in the settlement agreement between the Justice Department and the City of Cincinnati, even though its police officers could patrol city streets outside of the campus. Shortly after Mr. Dubose’s death, University of Cincinnati President Santa Ono stated that the school would consider joining the city’s policing collaborative agreement between the Cincinnati Police Department, the ACLU, and other community organizations, which had been credited with improving policing services and community-police relations in Cincinnati.<sup>11</sup> But, that statement occurred too late for the family of Samuel Dubose.

Like the University of Cincinnati, Johns Hopkins University is seeking to operate its own police force, which could potentially patrol the streets of Baltimore.<sup>12</sup> Police officers cannot responsibly be permitted to operate in the City of Baltimore unless they are subject to the court-enforceable federal consent decree that followed the investigation into unlawful policing after the police in-custody death of Freddie Gray in 2015. The need for such federal oversight was recently demonstrated by the racketeering convictions of members of the BPD’s Gun Trace Task Force, which uncovered the most egregious police corruption Baltimore City has ever witnessed. This city cannot afford a situation like the tragic killing of Samuel Dubose at the hands of a campus police officer in Cincinnati.

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<sup>9</sup> Richard Pérez-Peña, *University of Cincinnati Officer Indicted in Shooting Death of Samuel Dubose*, N.Y. TIMES, July 29, 2015, <https://www.nytimes.com/2015/07/30/us/university-of-cincinnati-officer-indicted-in-shooting-death-of-motorist.html>.

<sup>10</sup> Sheryl Gay Stolberg, *University of Cincinnati to Pay \$4.85 Million to Family of Man Killed by Officer*, N.Y. TIMES, Jan. 18, 2016, <https://www.nytimes.com/2016/01/19/us/university-of-cincinnati-to-pay-4-85-million-to-family-of-man-killed-by-officer.html>.

<sup>11</sup> See Ben Petracco, *Ono: UC Open to Discuss, Participate in Cincinnati Collaborative Agreement*, CINCINNATI’S WLWT5, July 22, 2015, <http://www.wlwt.com/article/ono-uc-open-to-discuss-participate-in-cincinnati-collaborative-agreement/3556294>.

<sup>12</sup> See Maryland General Assembly SB 1241 (stating that “Campus police officers may not exercise these powers on any property other than their designated campus “unless: 1. Engaged in fresh pursuit of a suspected offenders; 2. Requested or authorized to do so by the Mayor or the Police Commissioner of Baltimore City; 3. Necessary to facility the orderly flow of traffic to and from [the campus]; or 4. Ordered to do so by the Governor.”).



You have stated that your goal is to establish a police force for the safety of your students. However, your students reportedly have raised concerns about the University's proposal, including increased instances of racial profiling of Black and Brown students and city residents.<sup>13</sup> While we have concerns that this measure can be counterproductive, we would also emphasize that the safety of your students would be served by insisting that any police force that is created be bound by the same federal oversight and standards as the Baltimore Police Department.

Neither the safety of your students nor the outside community would be served by the creation of a private campus police department that is less transparent and less accountable than the city police department, or by a police force that is not part of the ongoing collaborative effort to reform policing practices and improve community-police relations throughout the city. Should the Maryland General Assembly pass legislation that would permit you to establish a campus police force at Johns Hopkins University, we urge you to be part of this positive policing reform process and ensure that the campus police force is subject to the federal consent decree.

We welcome the opportunity to discuss this request further. Please do not hesitate to contact Monique Dixon, Deputy Director of Policy and Senior Counsel, or me at (202) 682-1300.

Sincerely yours,

Sherrilyn A. Ifill  
President and Director Counsel

cc: Catherine Pugh, Mayor of Baltimore City  
Darryl De Sousa, Police Commissioner, Baltimore City

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<sup>13</sup> See, e.g., Kathleen Cairns, *JHU students rally against private police force*, Fox45 News, Mar. 8, 2018, <http://foxbaltimore.com/news/local/jhu-students-no-private-police-force>.